

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered October 2, 2006.

(Deleted material is struck through and new material is underscored.)

Supreme Court Rule 315(a) is amended, effective immediately, and Supreme Court Rules 701, 704, 707 and 708 are amended, effective July 1, 2007, as follows:

Amended Rule 315(a)

Rule 315. Leave to Appeal From the Appellate Court to the Supreme Court

(a) Petition for Leave to Appeal; Grounds. Except as provided below for appeals from the Illinois Workers' Compensation Commission division of the Appellate Court, a petition for leave to appeal to the Supreme Court from the Appellate Court may be filed by any party, including the State, in any case not appealable from the Appellate Court as a matter of right. Whether such a petition will be granted is a matter of sound judicial discretion. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of reasons which will be considered: the general importance of the question presented; the existence of a conflict between the decision sought to be reviewed and a decision of the Supreme Court, or of another division of the Appellate Court; the need for the exercise of the Supreme Court's supervisory authority; and the final or interlocutory character of the judgment sought to be reviewed.

No petition for leave to appeal from a judgment of the five-judge panel of the Appellate Court designated to hear and decide cases involving review of Illinois Workers' Compensation Commission orders shall be filed, unless ~~at least one judge~~ two or more judges of that panel ~~files~~ join in a statement that the case in question involves a substantial question which warrants consideration by the Supreme Court. A motion asking that such a statement be filed may be filed as a prayer for alternative relief in a petition for rehearing, but must, in any event, be filed within the time allowed for filing a petition for rehearing.

Amended effective November 30, 1972; amended effective September 1, 1974; amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended April 27, 1984, effective July 1, 1984; amended February 21, 1986, effective August 1, 1986; amended February 27, 1987, effective April 1, 1987; amended April 7, 1993, effective June 1, 1993; amended December 17, 1993, effective February 1, 1994; amended September 23, 1996, effective immediately; amended September 22, 1997, effective October 1, 1997; amended March 19, 2003, effective May 1, 2003; amended December 5, 2003, effective immediately; amended October 15, 2004, effective January 1, 2005; amended February 10, 2006, effective July 1, 2006; amended May 24, 2006, effective September 1, 2006; amended August 15, 2006, effective immediately; amended October 2, 2006, effective immediately.

Amended Rule 701

Rule 701. General Qualifications

(a) Subject to the requirements contained in these rules, persons may be admitted or conditionally admitted to practice law in this State by the Supreme Court if they are at least 21 years of age, of good moral character and general fitness to practice law, and have satisfactorily completed examinations on academic qualification and professional responsibility as prescribed by the Board of Admissions to the Bar or have been licensed to practice law in another jurisdiction and have met the requirements of Rule 705.

(b) Any person so admitted to practice law in this State is privileged to practice in every court in Illinois. No court shall by rule or by practice abridge or deny this privilege by requiring the retaining of local counsel or the maintaining of a local office for the service of notices. However, no person, except the Attorney General or the duly appointed or elected State's Attorney of the county of venue, may appear as lead or co-counsel for either the State or defense in a capital case unless he or she is a member of the Capital Litigation Trial Bar provided for in Rule 714.

Amended effective October 2, 1972; amended April 8, 1980, effective May 15, 1980; amended June 12, 1992, effective July 1, 1992; amended March 1, 2001. The amendment to paragraph (b) shall be effective one year after its adoption, and shall apply in capital cases filed by information or indictment on or after its effective date; amended October 2, 2006, effective July 1, 2007.

Amended Rule 704

Rule 704. Qualification on Examination

(a) Every applicant for the Illinois bar examination shall file with the Board of Admissions to the Bar both a character and fitness registration application and a separate application to take the bar examination. The applications shall be in such form as the board shall prescribe and shall be subject to the fees and filing deadlines set forth in Rule 706.

(b) In the event the character and fitness registration application and the separate application to take the bar examination shall be satisfactory to the board, the applicant shall be admitted to the examination; provided, however, that the following applicants must first receive certification of good moral character and general fitness to practice law by the Committee on Character and Fitness pursuant to Rule 708 before they will be permitted to write the bar examination: (1) applicants who have been convicted of felonies ~~or those misdemeanors involving moral turpitude~~; (2) applicants against whom are pending indictments, criminal informations, or criminal complaints charging felonies ~~or misdemeanors involving moral turpitude~~; (3) applicants who have been rejected, or as to whom hearings are pending, in another jurisdiction on a ground related to character and fitness; or (4) applicants admitted to practice in another jurisdiction who have been reprimanded, censured, disciplined, suspended or disbarred in such other jurisdiction or against whom are pending disciplinary charges or proceedings in that jurisdiction.

(c) The Board of Admissions to the Bar shall conduct separate examinations on academic qualification and professional responsibility. At least two academic qualification examinations shall be conducted annually, one in February and the other in July, or at such other times as the board, in its discretion, may determine. At least three professional responsibility examinations shall be conducted annually, one in March, another in August, and another in November, or at such other times as the board, in its discretion, may determine. The board may designate the Multistate Professional Responsibility Examination of the National Conference of Bar Examiners as the Illinois professional responsibility examination. The board may determine the score that constitutes a passing grade.

(d) The academic qualification examination shall be conducted under the supervision of the board, by uniform printed questions, and may be upon the following subjects: administrative law; agency and partnership; business organizations, including corporations and limited liability companies; commercial paper; conflict of laws; contracts; criminal law and procedure; family law; equity jurisprudence; evidence; federal and state constitutional law; federal jurisdiction and procedure; federal taxation; Illinois procedure; personal property, including sales and bailments; real property; secured transactions; suretyship; torts; trusts and future interests; and wills and decedents' estates. The academic qualification examination may also include a performance test. The Board may include the Multistate Bar Examination, the Multistate Essay Examination and the Multistate Performance Test

of the National Conference of Bar Examiners as components of the examination.

(e) In the event the Board of Admissions to the Bar shall find that ~~such an~~ applicant has achieved a passing score, as determined by the board, on the academic and professional responsibility examinations, meets the requirements of these rules, and has received from the Committee on Character and Fitness its certification of good moral character and general fitness to practice law, the board shall certify to the court that ~~such applicant is qualified for admission~~ these requirements have been met; the Board may also transmit to the Court any additional information or recommendation it deems appropriate.

(f) For all persons taking the bar examination after the effective date of this rule, a passing score on the Illinois bar examination is valid for four years from the last date of the examination. An applicant for admission on examination who is not admitted to practice within four years must repeat and pass the examination after filing the requisite character and fitness registration and bar examination applications and paying the fees therefor in accordance with Rule 706.

Amended effective October 2, 1972; amended April 8, 1980, effective May 15, 1980; amended June 19, 1987, effective immediately; amended June 12, 1992, effective July 1, 1992; amended May 7, 1993, effective immediately; amended July 1, 1998, effective immediately; amended July 6, 2000, effective immediately; amended December 6, 2001; effective immediately; amended October 2, 2006, effective July 1, 2007.

Amended Rule 707

Rule 707. ~~Foreign Attorneys in Isolated Cases~~ Pro Hac Vice

Anything in these rules to the contrary notwithstanding, an attorney and counselor-at-law from any other jurisdiction in the United States, or foreign country, may in the discretion of any court of this State be permitted to participate before the court in the trial or argument of any particular cause in which, for the time being, he or she is employed.

Amended June 12, 1992, effective July 1, 1992; amended October 2, 2006, effective July 1, 2007.

Amended Rule 708

Rule 708. Committee on Character and Fitness

(a) At the November term in each year, the Supreme Court shall appoint a Committee on Character and Fitness in each of the judicial districts of this state,

comprised of Illinois lawyers. In the First Judicial District the committee shall consist of no fewer than 30 members of the bar, and in the Second, Third, Fourth and Fifth Judicial Districts, each committee shall consist of no fewer than ~~10~~ 15 members of the bar. Unless the Court specifies a shorter term, all members shall be appointed for staggered three-year terms and shall serve until their successors are duly appointed and qualified. No member may be appointed to more than three full consecutive terms. Vacancies for any cause shall be filled by appointment of the Court for the unexpired term. The Court shall appoint a chairperson and a vice-chairperson for each committee. The chairperson may serve only one three-year term. The members of the Board of Admissions to the Bar shall be *ex-officio* members of the committees and are authorized to serve as members of hearing panels of any committee.

~~(b) Upon law student character and fitness registration and, where appropriate, upon application to take the bar examination, each law student registrant or applicant shall be passed upon by the committee in his or her district as to his or her good moral character and general fitness to practice law. If required by the committee, each law student registrant or applicant shall appear before the committee of his or her district or some member thereof and shall furnish the committee such evidence of his or her good moral character and general fitness to practice law as in the opinion of the committee would justify his or her admission to the bar.~~

(b) Pursuant to the Rules of Procedure for the Board of Admissions to the Bar and the Committees on Character and Fitness, the committee shall determine whether each law student registrant and applicant presently possesses good moral character and general fitness for admission to the practice of law. A registrant or applicant may be so recommended if the committee determines that his or her record of conduct demonstrates that he or she meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a failure to meet the essential eligibility requirements, including a deficiency in the honesty, trustworthiness, diligence, or reliability of a registrant or applicant, may constitute a basis for denial of admission.

~~(c) At all times prior to his or her admission to the bar of this state, each law student registrant and applicant is under a continuing duty to update and continue to report fully and completely to the Board of Admissions to the Bar and to the Committee on Character and Fitness all information required to be disclosed pursuant to any and all application documents and such further inquiries prescribed by the Board and the Committee.~~

(c) The essential eligibility requirements for the practice of law include the following: (1) the ability to learn, to recall what has been learned, to reason, and to analyze; (2) the ability to communicate clearly and logically with clients, attorneys, courts, and others; (3) the ability to exercise good judgment in conducting one's professional business; (4) the ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations; (5) the ability to conduct oneself with respect for and

in accordance with the law and the Illinois Rules of Professional Conduct; (6) the ability to avoid acts that exhibit disregard for the health, safety, and welfare of others; (7) the ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, creditors, and others; (8) the ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; (9) the ability to comply with deadlines and time constraints; and (10) the ability to conduct oneself properly and in a manner that engenders respect for the law and the profession.

(d) If required by the Committee or its Rules of Procedure, each law student registrant and applicant shall appear before the committee of his or her district or some member thereof and shall furnish the committee such evidence of his or her good moral character and general fitness to practice law as in the opinion of the committee would justify his or her admission to the bar.

(e) At all times prior to his or her admission to the bar of this state, each law student registrant and applicant is under a continuing duty to supplement and continue to report fully and completely to the Board of Admissions to the Bar and to the Committee on Character and Fitness all information required to be disclosed pursuant to any and all application documents and such further inquiries prescribed by the Board and the Committee.

~~(d)~~ (f) If the committee is of the opinion that the law student registrant or applicant is of good moral character and general fitness to practice law, it shall so certify to the Board of Admissions to the Bar and the law student registrant or applicant shall thereafter be recommended by the Board for admission to the bar, if ~~att,~~ and the Board shall transmit such certification to the Court together with any additional information or recommendation the Board deems appropriate when all other admission requirements have been met. If the committee is not of that opinion, it shall file with the Board of Admissions to the Bar a statement that it cannot so certify, together with a report of its findings and conclusions.

~~(e)~~ (g) A law student registrant or applicant who has availed himself or herself of his or her full hearing rights before the Committee on Character and Fitness and who deems himself or herself aggrieved by the determination of the committee may, on notice to the committee by service upon the Director of Administration for the Board of Admissions in Springfield, petition the Supreme Court for review within 35 days after service of the Committee's decision upon the law student registrant or applicant, and, unless extended for good cause shown, the Committee shall have 28 days to respond. The director shall file the record of the hearing with the Supreme Court at the time that the response of the Committee is filed.

Amended effective November 15, 1971, and October 2, 1972; amended April 10, 1987, effective August 1, 1987; amended June 12, 1992, effective July 1, 1992; amended April 4, 1995, effective immediately; amended November 22, 2000, effective December 1, 2000; amended December 6, 2001, effective immediately; amended October 2, 2006, effective July 1, 2007.